

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 99-359

May 10, 2000

BELL-ATLANTIC – MAINE  
Proposed Tariff for Physical, Virtual,  
Microwave Collocation, Interconnection  
Between Collocated Spaces, SCOPE, CCOE,  
Shared Cages and Adjacent Structures

SUPPLEMENTAL ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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On March 14, 2000, the Hearing Examiner issued a procedural order in this matter requesting that parties comment upon the issue of whether the Commission would violate the prohibition against retroactive ratemaking by ordering Bell Atlantic to amend its collocation tariff to provide for a true-up of rates after the Commission completes its review of those rates in another docket. By letter dated March 31, 2000, Votts Networks, Inc. (Votts) communicated to the Commission its decision not to pursue the true-up issue in this proceeding. (Votts was the party which had originally proposed the true-up to the Commission.) Bell Atlantic, by comments dated March 30, 2000, reiterated its position that any true-up mechanism would violate the retroactive ratemaking doctrine.

Given Votts' change in position, there is no need for the Commission to reach the true-up issue in this docket. Accordingly, we will close this proceeding.

Dated at Augusta, Maine, this 10th day of May, 2000.

BY ORDER OF THE COMMISSION

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Raymond J. Robichaud  
Acting Administrative Director

COMMISSIONERS VOTING FOR:

Welch  
Nugent  
Diamond

### NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.